IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FIRST DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

**THE HON'BLE MR JUSTICE K.C. BHANU**

**WRIT PETITION NO : 1041 of 2005**

Between:

1. Mr.M.Devara James, S/o.Thimmaiah,Vice President,
   The Fishermen Cooperative Society, Nadigadda

R/o.Nirmala Nagar, Vinukonda, Guntur District.

2. T. Ananda Rao, S/o.Kotaiah,
   R/o.Nadigadda, Vinukonda, Guntur District.

**..... PETITIONERS**

AND

The Deputy Director of Fisheries, Guntur District,

Guntur.

**.....RESPONDENT**

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of *Writ of Mandamus* declaring the action of the Respondent in not disposing of the representation dt.18-1-2005 as illegal, arbitrary and consequently direct the Respondent not to hand over the records of the society to the president.

**Counsel for the Petitioner: MR.U.RAMANJANEYULU**

**Counsel for the Respondents: GP FOR FISHERIES**

**The Court at the stage of admission made the following:**

**ORDER:**

The grievance of the petitioners is that they made a representation dated 18.01.2005 to the respondent requesting him not to hand over the records of the Fisheries Cooperative Society, Nadigadda to the then President of the said society, but, the same is not being considered. Hence, they filed the present writ petition.

Heard the learned counsel for the petitioner and the learned Government Pleader for Fisheries.

The petitioners gave a representation to the respondent for not handing over the society records to the president and the respondent has to take appropriate action according to the rules and regulations. Therefore, without going into the merits of the case, I deem it appropriate to dispose of the writ petition with a direction to the respondent to take appropriate action on the representation made by the petitioners dated 18.01.2005 in accordance with law, within four weeks from the date of receipt of a copy of this order.

With the above direction, the writ petition is disposed of at the stage of admission. No costs.

_____

(K.C. BHANU,J)

Date: 01.02.2005

Ksn

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Deputy Director of Fisheries,

Guntur, Guntur District.

2. Two C. Cs to G.P. for Fisheries, High Court Buildings, Hyderabad (OUT).

3. Two C.D. copies

*Form-NIC-OGS/WP{**JA**}*

The grievance of the petitioners is that the President of the Fishermen Cooperative Soceity, Nadigadda has started illegal and unlawful activities against the interest of the society, which was virtually against the object of the cooperative movement and society. All the members of the General Body are always complaining against the President of the Society for his Anti-social Activities. Inspite of their repeated requests, he has not acted for the interest of the society. While so, on 20.10.2002 a meeting was convened by the members of the Managing Committee as per the bye-laws to discuss the issue of the President and passed a resolution to convene a General Body Meeting on 08.11.2003 and also passed a resolution unanimously on that day and issued a notice to the President of the society to that effect asking his explanation why he shall not be removed from the post of President within 20 days from the date of receipt of the notice. Despite receiving notice, the President has not submitted any explanation. To that effect, the said President has been removed from the post of President of the Society and the same was informed to the Assistant Director of Fisheries, Guntur.

Further, it is alleged that as per their representation to the respondent, the respondent has seized the entire records of the society and ordered for enquiry against the President of the society. It is also further alleged that recently the outgoing President asked the first respondent to return the records of the society. Immediately, he made a representation on 18.10.2005 to the respondent not to hand over the society records to the President. But the

respondent has not taken any action on that representation. Hence, this writ petition is filed.